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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CHARLES ROBERTS, an individual, and  
KENNETH MCKAY, an individual, on behalf  
of themselves and others similarly situated,,

Plaintiffs,

v.

C.R. ENGLAND, INC., a Utah corporation;  
OPPORTUNITY LEASING, INC., a Utah  
corporation; and HORIZON TRUCK SALES  
AND LEASING, LLC, a Utah limited liability  
company,,  
Defendants.

MEMORANDUM DECISION AND ORDER  
GRANTING PLAINTIFFS' MOTION FOR  
LEAVE TO FILE THIRD AMENDED  
COMPLAINT

Case No. 2:12-cv-302 TS

District Judge Ted Stewart

Magistrate Judge Brooke Wells

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Before the Court is Plaintiffs' Motion for Leave to File Third Amended Complaint.<sup>1</sup> In response, Defendants state that they "do not oppose Plaintiffs' Motion for Leave to File Third Amended Complaint"<sup>2</sup> except for one reservation. Plaintiffs' second claim for relief purports to be under the Utah Racketeer Influenced and Criminal Enterprise Act (RICE Act).<sup>3</sup> Defendants note, however, that the RICE Act was replaced in Utah by the Pattern of Unlawful Activity Act (PUAA).<sup>4</sup> Notwithstanding this potential obstacle, "Plaintiffs have confirmed to Defendants that they intend to assert their claim under PUAA and have noted that their statutory citations refer to PUAA, which, like the RICE Act, is cited at Utah Code Section 76-10-1601 *et seq.*"<sup>5</sup>

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<sup>1</sup> Docket no. 93.

<sup>2</sup> Response p. 2.

<sup>3</sup> See Utah Code § 76-10-1601 *et seq.*

<sup>4</sup> See *id.*

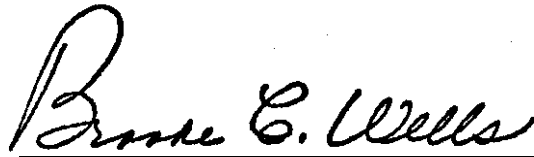
<sup>5</sup> Response p. 2.

Therefore, based upon Plaintiffs confirming that they intend to assert their claim under PUA, Defendants not opposing Plaintiffs' motion and for good cause shown, the Court

GRANTS the Motion for Leave to File Third Amended Complaint.

IT IS SO ORDERED.

DATED this 31 August 2012.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B'.

Brooke C. Wells  
United States Magistrate Judge